

AMENDMENT TO H.R. 5450
OFFERED BY MR. MILLER OF NORTH CAROLINA

At the end of the bill, add the following new section:

1 **SEC. 18. RESTORING SCIENTIFIC INTEGRITY TO RESEARCH**
2 **AND POLICYMAKING.**

3 (a) PROHIBITION OF POLITICAL INTERFERENCE
4 WITH SCIENCE.—

5 (1) INTERFERENCE WITH SCIENCE.—

6 (A) PROHIBITION.—An employee of the
7 Administration may not engage in any of the
8 following:

9 (i) Tampering with the conduct of
10 Federally funded scientific research or
11 analysis.

12 (ii) Censorship of findings of Feder-
13 ally funded scientific research or analysis.

14 (iii) Directing the dissemination of
15 scientific information known by the direct-
16 ing employee to be false or misleading.

17 (B) PENALTIES.—An employee who vio-
18 lates this paragraph shall be subject to appro-
19 priate disciplinary action by the Administration.

20 (2) PROHIBITED PERSONNEL PRACTICE.—



1 (A) PROHIBITION.—An employee of the
2 Administration who has authority to take, di-
3 rect others to take, recommend, or approve any
4 personnel action shall not, with respect to such
5 authority, take or fail to take, or threaten to
6 take or fail to take, a personnel action with re-
7 spect to any employee of the Administration be-
8 cause of the development or dissemination,
9 within the scope of employment, of scientific re-
10 search or analysis that the employee reasonably
11 believes to be accurate and valid.

12 (B) PENALTY.—A violation of subpara-
13 graph (A) shall be penalized as if it were a vio-
14 lation of section 2302(b) of title 5, United
15 States Code.

16 (b) DISCLOSURES RELATING TO INTERFERENCE
17 WITH SCIENCE.—

18 (1) PROHIBITED PERSONNEL PRACTICE.—

19 (A) PROHIBITION.—An employee of the
20 Administration who has authority to take, di-
21 rect others to take, recommend, or approve any
22 personnel action shall not, with respect to such
23 authority, take or fail to take, or threaten to
24 take or fail to take, a personnel action with re-
25 spect to any employee of, or applicant for em-



1 ployment with, the Administration because of
2 any disclosure of information which the em-
3 ployee or applicant reasonably believes evi-
4 dences tampering with the conduct of Federally
5 funded scientific research or analysis, censoring
6 the findings of Federally funded scientific re-
7 search or analysis, or directing the dissemina-
8 tion of scientific information known by the di-
9 recting employee to be false or misleading.

10 (B) PENALTY.—A violation of subpara-
11 graph (A) shall be penalized as if it were a vio-
12 lation of section 2302(b) of title 5, United
13 States Code.

14 (2) OFFICE OF SPECIAL COUNSEL.—The Office
15 of Special Counsel established under subchapter II
16 of chapter 12 of title 5, United States Code, shall
17 receive, review, and where appropriate, forward to
18 the Attorney General or the Administrator disclo-
19 sures by an employee of the Administration of tam-
20 pering with the conduct of Federally funded sci-
21 entific research or analysis, censoring the findings of
22 Federally funded scientific research or analysis, or
23 directing the dissemination of scientific information
24 known by the directing employee to be false or mis-
25 leading. Section 1213 of title 5, United States Code,



1 shall apply to any disclosure described in this para-
2 graph.

3 (c) REQUIREMENTS RELATING TO SCIENTIFIC ADVI-
4 SORY COMMITTEES.—

5 (1) BAR ON LITMUS TESTS.—All appointments
6 to scientific advisory committees that report to the
7 Administration shall be made without regard to po-
8 litical affiliation, unless required by Federal statute.

9 (2) DESIGNATION OF MEMBERS AS SPECIAL
10 GOVERNMENT EMPLOYEES OR REPRESENTATIVES.—

11 (A) An individual appointed to a scientific advisory
12 committee that reports to the Administration who is
13 not a full-time or permanent part-time officer or em-
14 ployee of the Federal Government shall be des-
15 ignated by the Administration as either—

16 (i) a special Government employee, if the
17 individual is providing advice based on the indi-
18 vidual's expertise or experience; or

19 (ii) a representative, if the individual is
20 representing the views of individuals or entities
21 outside the Federal Government.

22 (B) The Administration shall review the mem-
23 bers of each scientific advisory committee that re-
24 ports to the Administration to determine whether
25 each member's designation is appropriate, and to re-



1 designate members if appropriate. Such review shall
2 be made when the committee's charter expires or, in
3 the case of a committee with an indefinite charter,
4 every 2 years.

5 (3) ENSURING INDEPENDENT ADVICE AND EX-
6 PERTISE.—(A) The Administration shall, to the ex-
7 tent permitted by law, appoint individuals to sci-
8 entific advisory committees that report to the Ad-
9 ministration as special Government employees.

10 (B) The Administration shall make its best ef-
11 forts to ensure that—

12 (i) no individual appointed to serve on a
13 scientific advisory committee that reports to the
14 Administration has a conflict of interest that is
15 relevant to the functions to be performed, un-
16 less such conflict is promptly and publicly dis-
17 closed and the Administration determines that
18 the conflict is unavoidable; and

19 (ii) each report of the advisory committee
20 will be the result of the advisory committee's
21 independent judgment and include a statement
22 indicating the process used by the advisory
23 committee in formulating the recommendations
24 or conclusions contained in the report.



1 (C) The Administration shall require that indi-
2 viduals that the Administration appoints or intends
3 to appoint to serve on a scientific advisory com-
4 mittee that reports to the Administration inform the
5 Administration of the individual's conflicts of inter-
6 est that are relevant to the functions to be per-
7 formed.

8 (D) If the Administration determines that rep-
9 resentative members are required on a scientific ad-
10 visory committee that reports to the Administration,
11 the Advisory Committee Management Officer of the
12 Administration shall consult with the designated eth-
13 ics official of the Administration to ensure that the
14 designation is appropriate and necessary to fulfilling
15 the committee's purpose.

16 (E) The designated ethics official of the Admin-
17 istration shall issue guidance to ensure that sci-
18 entific advisory committees that report to the Ad-
19 ministration are providing sufficiently independent
20 advice and expertise.

21 (F) The Administrator of General Services shall
22 conduct an annual review of compliance by the Ad-
23 ministration with this paragraph and shall submit to
24 the Committee on Science of the House of Rep-
25 resentatives and the Committee on Commerce,



1 Science, and Transportation of the Senate a report
2 on the results of the review.

3 (4) DISCLOSURE OF INFORMATION.—

4 (A) ITEMS REQUIRED TO BE DISCLOSED.—

5 With respect to each scientific advisory com-
6 mittee that reports to the Administration estab-
7 lished before, on, or after the date of the enact-
8 ment of this Act, the Administration shall make
9 available as described in subparagraph (B) the
10 following information, at a minimum:

11 (i) The charter of the committee.

12 (ii) A description of the committee
13 formation process, including at least—

14 (I) the process for identifying
15 prospective members;

16 (II) the process of selecting mem-
17 bers for balance of viewpoints or ex-
18 pertise; and

19 (III) a justification of the need
20 for representative members, if any.

21 (iii) A list of all current members, in-
22 cluding, for each member, the following:

23 (I) The name of any person or
24 entity that nominated the member.



1 (II) Whether the member is des-
2 igned as a special Government em-
3 ployee or a representative.

4 (III) In the case of a representa-
5 tive, the individuals or entity whose
6 view point the member represents.

7 (iv) A list of all special Government
8 employees who have received conflict of in-
9 terest waivers under section 208(b) of title
10 18, United States Code, under regulations
11 issued by the Office of Government Ethics,
12 a summary description of the conflict ne-
13 cessitating the waiver, and the reason for
14 granting the waiver.

15 (v) A summary of the process used by
16 the committee for making decisions.

17 (vi) Transcripts of all meetings of the
18 committee.

19 (vii) Notices of future meetings of the
20 committee.

21 (B) METHODS OF DISCLOSURE.—

22 (i)(I) Except as provided in subclause
23 (II), the information required to be dis-
24 closed by the Administration under this
25 paragraph shall be available electronically,



1 including on the official public Internet site
2 of the Administration, at least 7 calendar
3 days before each meeting of a scientific ad-
4 visory committee that reports to the Ad-
5 ministration.

6 (II) In the case of a transcript of a
7 meeting of a scientific advisory committee
8 that reports to the Administration, the
9 transcript shall be disclosed by the Admin-
10 istration under this paragraph not later
11 than 7 calendar days after the meeting.

12 (ii) The Administrator of General
13 Services shall provide, on the official public
14 Internet site of the General Services Ad-
15 ministration, electronic access to the infor-
16 mation made available by each agency
17 under clause (i).

18 (d) PEER REVIEW.—

19 (1) AGENCY-DIRECTED PEER REVIEW.—The
20 Administration shall determine a peer review process
21 appropriate for the Administration's functions and
22 needs.

23 (2) INEFFECTIVENESS OF INFORMATION QUAL-
24 ITY BULLETIN FOR PEER REVIEW.—The Informa-
25 tion Quality Bulletin for Peer Review, issued in final



1 form by the Office of Management and Budget on
2 December 16, 2004 (70 Fed. Reg. 2664; January
3 14, 2005), shall have no force or effect as of the
4 date of the enactment of this Act with respect to the
5 Administration, and shall not apply to information
6 disseminated by the Administration to the public be-
7 fore, on, or after such date.

8 (e) DEFINITIONS.—In this section:

9 (1) ADVISORY COMMITTEE.—The term “advi-
10 sory committee” has the meaning provided in section
11 3(2) of the Federal Advisory Committee Act (5
12 U.S.C. App.).

13 (2) ADVISORY COMMITTEE MANAGEMENT OFFI-
14 CER.— The term “Advisory Committee Management
15 Officer” means the officer designated under section
16 8(b) of the Federal Advisory Committee Act (5
17 U.S.C. App.).

18 (4) CENSORSHIP.—The term “censorship”
19 means improper prevention of the dissemination of
20 valid and nonclassified scientific findings.

21 (5) DESIGNATED ETHICS OFFICIAL OF THE AD-
22 MINISTRATION.—The term “designated ethics offi-
23 cial of the Administration” means the designated
24 agency ethics official (within the meaning of section



1 109(3) of the Ethics in Government Act of 1978 (5
2 U.S.C. App.)) of the Administration.

3 (6) SCIENTIFIC.—The term “scientific” means
4 relating to the natural, medical, or social sciences or
5 engineering, encompassing, but not limited to, the
6 fields considered related to science and engineering
7 by the National Science Foundation.

8 (7) SCIENTIFIC ADVISORY COMMITTEE THAT
9 REPORTS TO THE ADMINISTRATION.—The term “sci-
10 entific advisory committee that reports to the Ad-
11 ministration” means any advisory committee estab-
12 lished in whole or in part to provide expert scientific
13 advice, or to provide policy advice based in whole or
14 in part on an assessment of scientific information, to
15 the Administration.

16 (8) SPECIAL GOVERNMENT EMPLOYEE.—The
17 term “special Government employee” has the same
18 meaning as in section 202(a) of title 18, United
19 States Code.

20 (9) TAMPERING.—The term “tampering”
21 means improperly altering or obstructing so as to
22 substantially distort, or directing others to do so.

